

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 09-348
)	
ANTHONY FRANELL)	

MOTION TO CONTINUE SENTENCING HEARING

AND NOW comes your defendant, Anthony Franell, by his attorney, W. Penn Hackney, Assistant Federal Public Defender, and respectfully moves this Honorable Court to extend the time for filing defendant's sentencing memorandum for six days and to continue the sentencing hearing, and in support thereof sets forth the following:

1. Sentencing for Mr. Franell is currently scheduled for July 8, 2011. Mr. Franell's sentencing memorandum was due on July 1, 2011.

2. Counsel did not complete his sentencing memorandum on time and will be unable to complete it until Thursday, July 7, 2011. The memorandum will comment on, and include as exhibits, approximately 20 letters, and will address Mr. Franell's prior criminal record, his life since his last conviction, his current life and future expectations, and

other factors germane to the sentencing decision under 18 U.S.C. § 3553(a). Counsel therefore seeks a continuance of the sentencing hearing, and of the due date for his sentencing memorandum.

3. In a telephone conversation with undersigned counsel on July 5, 2011, Assistant United States Attorney Barbara Swartz stated that she does not object to the requested continuance.

WHEREFORE, Anthony Franel respectfully moves this Honorable Court continue extend the time for filing his sentencing memorandum for 6 days from July 1, 2011 and to continue the sentencing hearing to a subsequent date at the convenience of the Court.

Respectfully submitted,

s/ W. Penn Hackney
W. Penn Hackney, Assistant
Federal Public Defender
PA Attorney ID No. 29671